

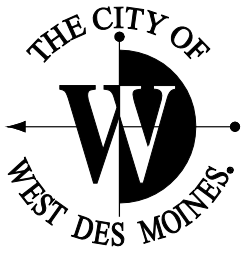
Development Application

Variance or Appeal



Development Services Department
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P.O. Box 65320
West Des Moines, IA 50265-0320
515-222-3620 (phone)
515-273-0602 (fax)
www.wdm.iowa.gov

Additional copies of this application and the appropriate
"project submittal requirements"
can be found on the City's website;
<http://www.wdm.iowa.gov>



Variance/Appeal Application

NO VARIANCE APPLICATION CAN BE ACCEPTED FOR FILING UNLESS
ALL OF THE REQUIRED INFORMATION IS SUBMITTED.

The West Des Moines Zoning Board of Adjustment is empowered by Iowa law and by the Ordinances of West Des Moines to hear requests and make decisions on said requests in regard to certain appeals for variations in the Zoning Ordinance and for certain exceptions in the district regulations. The Board of Adjustment (Board) is a quasi-judicial body with authority to grant variance permits in exceptional cases when the request is consistent with the general purpose and spirit of the comprehensive plan and zoning regulations. The Board has no authority to allow a variance whose effect would be the establishment of a use not otherwise permitted by the Zoning Ordinance or to extend a non-conforming use of land or to change district boundaries except as outlined in the Zoning Ordinance. Specifically, the Board is limited to the following powers and duties;

1. Hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Director of Development Services, or designee in the enforcement of the zoning regulations in Title 9 of the City Code.
2. To hear and decide special exceptions to the terms of Title 9 of the City Code upon which such board is required to pass under Title 9 of the code.
3. To authorize upon appeal in specific cases such variance from the terms of Title 9 of the City Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of Title 9 of the code will result in unnecessary hardship, and so that the spirit of Title 9 of the code shall be observed and substantial justice done.

Approval by the board of adjustment shall only be granted if **all** of the following findings are made; or if conditions and limitations, as the board deems necessary, are imposed to allow it to make said findings. It shall be the responsibility of the applicant to prove to the satisfaction of the board that the findings can be made.

1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable sub-area plan.
2. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or location, which do not apply generally to comparable properties in the same vicinity and zones.
3. That the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations provided that such hardships shall not be self-imposed by the applicant or his or her successor in interest.
4. That there have been no changes in the character of the site or its surrounding which detrimentally affect the environment.
5. That the granting of such variance does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

VARIANCE REQUEST RELATING TO (Check all that apply):

- ☐ Area
 - ☐ Parking
 - ☐ Height
 - ☐ Yard (setbacks, separation, etc.)
 - ☐ Sign
 - ☐ Permitted Conditional Use
 - ☐ Other: (i.e. - exception to district regulations) Please Specify below;

- ☐ Appeal

REASON FOR VARIANCE OR APPEAL REQUEST:

Briefly explain the reason(s) for the variance request, including reasons why you cannot comply with the regulations of the Zoning Ordinance: _____

[illegible]

LEGAL DESCRIPTION OF SUBJECT PROPERTY (include separately if lengthy):

Applicant Information:

Name: _____

Address: _____

Daytime Phone Number: _____

Email Address: _____

Interest in Property: Warranty Title Holder _____
 Contract Buyer _____

Lease Holder _____

Renter _____

Other _____

Name of Applicant's Representative or Person(s) that will be attending the Board of Adjustment meeting: _____

Daytime Phone Number: _____

Email Address: _____

Title Holder of Record: If applicant is not the Title Holder of Record (a contract buyer is **not** a title holder), the owner's name and address must also be given.

Title Holder Name: _____

Address: _____

Owner (if different from Title Holder): _____

Owner Address: _____

Owner Contact Number: _____

Email Address: _____

General Information:

Date Property was acquired: _____

Street Address of Property: _____

Zoning District Classification in which property is located: _____

Existing Comprehensive Plan:

Proposed Comprehensive Plan:

Existing Zoning:

Proposed Zoning:

Surrounding Land Uses:

North: Existing Land Use:
Existing Zoning:
Comprehensive Plan Designation:

East: Existing Land Use:
Existing Zoning:
Comprehensive Plan Designation:

South: Existing Land Use:
Existing Zoning:
Comprehensive Plan Designation:

West: Existing Land Use:
Existing Zoning:
Comprehensive Plan Designation:

Total Land Area: acres sq. ft.

Impervious Area: sq. ft.

Open Space:	<u>Required</u>		<u>Provided</u>	
	% Total Area	sq. ft.	% Total Area	sq. ft.
	% Paved Area	sq. ft.	% Paved Area	sq. ft.
Total:	%	sq. ft.	%	sq. ft.

Landscaping:

Buffers	<u>Required</u>	<u>Provided</u>
	Trees:	Trees:
	Shrubs:	Shrubs:

Open Space	<u>Required</u>	<u>Provided</u>
	Trees:	Trees:
	Shrubs:	Shrubs:

Streetscape	<u>Required</u>	<u>Provided</u>
	Trees:	Trees:
	Shrubs:	Shrubs:

Parking:	<u>Required</u> (Indicate Calculation)	<u>Provided</u>
	():	General Parking:
	():	Handicap:
	Total:	Total:

Area:

Building:

Footprint Area: sq. ft. Total Area: sq. ft. Height: ft. stories

**** All required drawings and documents as outlined on the associated "project type submittal requirement" sheet must be submitted at the time of the application in order for the project to be accepted and started in the appropriate review process.**

CERTIFICATION:

NOTE: ALL APPLICATIONS MUST HAVE SIGNATURE(S) OF THE CURRENT PROPERTY OWNER(S) OR INDIVIDUAL WITH THE PROPER POWER OF ATTORNEY, NOTARIZED BY A CERTIFIED NOTARY PUBLIC (attach if necessary)

Part A: Owner's Signature and Consent

I/we, _____ being duly sworn, depose and say that I/we am/are the owner, owners, authorized representative for a corporate owner, person with power of attorney for the owner/owners, or a non residential tenant of said property. I/we personally swear and affirm that this application has been prepared in compliance with the requirements of the City of West Des Moines Municipal code as printed herein and that the statements and information above referred to are in all respects true and correct to the best of my/our knowledge and belief. Further, I/we hereby submit this development application for review and consideration by the City of West Des Moines, Iowa in compliance with the requirements of the City of West Des Moines Municipal Code.

I/we, _____ agree to grant the City permission to access said property for purposes of installing Public Notice sign(s) and completing the necessary on-site inspections, if applicable.

Signature of Legal Property Owner

Date

EIN (Employer Identification Number) _____

The above signed applicant appeared before me and personally subscribed and sworn before me on this _____ day of _____, 20____.
My commission expires on the _____ day of _____, 20____.

Signature of Notary Public; _____

Part B: Applicant's Signature and Consent

(Use only if the applicant is different from Property Owner)

I/we, _____ being duly sworn, depose and say that I/we hold legal interest in this property and do hereby submit this development application for review and consideration by the City of West Des Moines, Iowa in compliance with the requirements of the City of West Des Moines Municipal Code.

I/we, _____ agree to grant the City permission to access said property for purposes of installing Public Notice sign(s) and completing the necessary on-site inspections, if applicable.

Signature of Applicant

Date

EIN (Employer Identification Number) _____

The above signed applicant appeared before me and personally subscribed and sworn before me on this _____ day of _____, 20____.
My commission expires on the _____ day of _____, 20____.

Signature of Notary Public; _____

Legal Documents

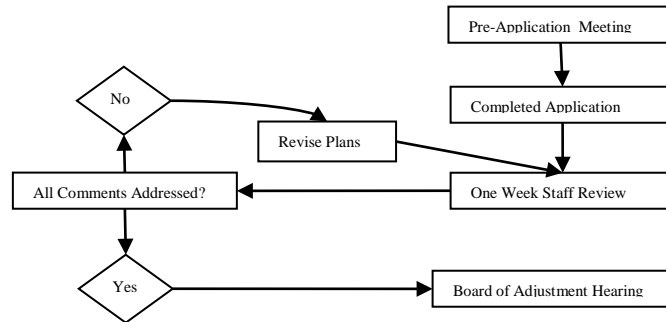
Some projects are required to grant easements, dedicate right-of-way, or enter into various other agreements. City staff will prepare said easements, dedications, or agreements documents. Below please provide the following information in the event such legal documents are necessary for your project.

Grantor (legal entity): _____

Signatory (Person Signing Document): _____

Title of Person Signing Document: _____

VARIANCE REQUEST



- If signed plan copies are necessary, final copies of plans following Board of Adjustment approval **MUST** have original signatures and seals on **ALL** copies.

Application Fee - full fee is due at time of submittal

☐ \$200.00 for Variance

- ♦ The fee is not refundable unless the request is withdrawn **prior to** staff starting the review of the request

A. Your submittal **must** include the following:

1. ☐ A letter describing the project, identifying the project contact person(s) and any other information relevant for staff's review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal authority to apply shall be included in a certified form
2. ☐ Completed application form
3. ☐ One (1) 8 ½ x 11" location map showing the proposed site location, adjacent existing land uses within five hundred (500) feet of the property, and general existing land uses within one thousand (1,000) feet of the property. **Location map must be to a discernable scale with the scale denoted**
4. ☐ Eight (8) copies of a site plan (24" x 36", **folded**)
5. ☐ Two (2) reduced copies of a site plan (8." x 11")
6. ☐ One (1) PDF copy of a site plan
7. ☐ Two (2) colored copies of any elevations (ie. building, sign, etc...)
8. ☐ Other information deemed necessary by the Director of Development Services for the review of the proposed project

B. Your Site Plan shall include the following as may be applicable: If it is unclear if a particular checklist item applies please contact your Case Advisor for clarification.

1. ☐ Legal description including total area of the property.
2. ☐ Date, compass point, legend of symbols, scale (written and graphic).
3. ☐ Vicinity map that accurately represents the area including recent developments.
4. ☐ Address (es), if assigned.
5. ☐ Name, address and contact information of owner(s) of subject property.
6. ☐ Name, address and contact information of applicant.
7. ☐ Notation of existing Comprehensive Plan land use designation and requested proposed land use.
8. ☐ Notation of existing Zoning District or if Planned Unit Development (PUD) name and underlying zoning.
9. ☐ Property boundary lines including dimensions to the nearest one-hundredth of a foot.
10. ☐ Existing and proposed topography of subject property at contour intervals of not more than two (2) feet, City datum.
11. ☐ Identification of existing and proposed drainage-ways, detention areas.
12. ☐ Identification of any structures (i.e. retaining walls) necessary to achieve the stated grades. Provide engineering specifications and calculations.

13. ☐ Location, footprint, size and use of all buildings and structures, existing and proposed, and required setback lines shown and required distance indicated.
14. ☐ Total square feet of all building floors, individually and collectively separated by existing and proposed.
15. ☐ Location of utilities, labeled with depth, size, type, existing or proposed and whether public or private.
16. ☐ Existing and proposed easements for rights-of-way, overhead utilities, buffers, railroads, drainage courses, etc., shall be shown and appropriately labeled with reserved width, type, and whether public or private.
17. ☐ Notation of the book and page number of all existing easements.
18. ☐ Street name, whether public or private, pavement width, half right of way widths dimensioned from centerline of right of way, full right of way width dimension should be shown for all existing and proposed roads, alleys, streets and highways on or adjoining the subject property.
19. ☐ Location of all existing street lights.
20. ☐ Location, width, detail of buffers (walls, fences, vegetation or other artificial screening material to be used), notation of required types and quantities and schedule of all buffer plantings.
21. ☐ Location of all existing trees. Indicate those trees to be preserved and include illustration and details of preservation methods to be used.
22. ☐ Identification of all other site development and landscape features (i.e., detention areas or ponds, walkways, vegetation, walls, fences, monuments).
23. ☐ Identification and location of all established floodway, floodway fringe, and flood plain overlay lines, if applicable. Provide the 100 year flood plain elevation based on the new Flood Insurance Rate Map (FIRM) dated February 16, 2006.
24. ☐ Document that a Conditional Letter of Map Revision (CLOMR), or a Letter of Map Revision application (LOMR) has been submitted to FEMA before work begins. The application shall be based on the proposed first floor elevations.
25. ☐ Identification of all exterior lighting including fixture details and locations including building and signage lighting.
26. ☐ Provide engineering drawings for any retaining walls which exceed 4 feet in height, or confirm in writing that any retaining walls needed for the site will not exceed 4 feet in height.
27. ☐ Provide a guardrail detail for retaining walls that are 30" or more above grade, or confirm in writing that the walls are less than 30" above grade.
28. ☐ Other considerations pertinent to the proposal may be requested for illustration or statistical purposes.

For Residential Plans:

1. ☐ Indicate whether apartments or condos for medium and high density residential plans.
2. ☐ Total number and type of proposed dwelling units.
3. ☐ Provide a detail confirming that all foundations supporting wood shall extend at least 6 inches above adjacent grade and the clearance between any siding material and the sod shall be a minimum of 6 inches.
4. ☐ Provide a detail confirming that the grade immediately adjacent to the foundation shall be sloped away from the building no less than 1 unit vertical to 12 units horizontal for a minimum of 6 feet measured perpendicular to the foundation.

Additional copies of the development application and "project submittal requirements" can be found on the City's website:

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